

REMARKS

The Official Action mailed November 29, 2005, has been received and its contents carefully noted. This response is filed within three months of the mailing date of the Official Action and therefore is believed to be timely without extension of time. Accordingly, the Applicants respectfully submit that this response is being timely filed.

The Applicants note with appreciation the consideration of the Information Disclosure Statements filed on October 31, 2003; May 5, 2004; June 28, 2004; September 13, 2004; and June 15, 2005.

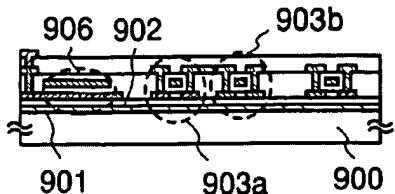
Claims 4, 5, 20 and 28-31 are pending in the present application, of which claims 4, 20, 28 and 29 are independent. Claim 4 has been amended to better recite the features of the present invention. For the reasons set forth in detail below, all claims are believed to be in condition for allowance. Favorable reconsideration is requested.

The specification has been amended to correct minor informalities. Specifically, at page 36, lines 28 and 30, the specification has been amended to clarify that the "base insulating film" in this embodiment corresponds with reference character 902.

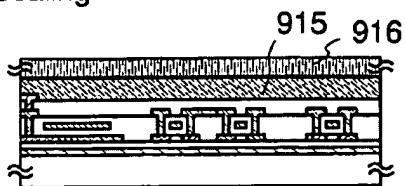
The Official Action objects to the drawings under 37 CFR § 1.83(a) asserting that "the limitations 'a protective film over the adhesive material; an insulating film over the protective film; and a middle processing component comprising a control section and an operation section, and a memory unit over the insulating film' in claims 4 and 29; and 'a protective film over the adhesive material; an insulating film over the protective film; and a middle processing component comprising a control section and an operation section, and a memory unit over the insulating film; and a battery over the substrate' in claims 20 and 28 must be shown or the feature(s) deleted from the claim(s)" (page 2, Paper No. 20051101). The Applicants respectfully disagree and traverse the above-referenced assertions in the Official Action. Claims 4, 20, 28 and 29 are supported by the present specification and drawings, for example, by Figures 11 and 13 (reproduced below), the disclosure at page 6, lines 6-14, and Embodiment 7 at page 36, line 25 through page 38, line 14.

FIG. 11

(A) A configuration of a layer to be peeled
(CPU including CMOS circuit)



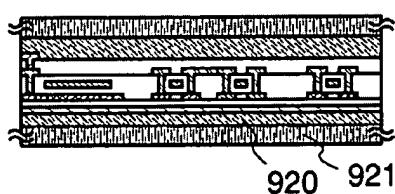
(B) Sealing



(C) Etching of a glass substrate



(D) Bonding



(E) Peeling-off

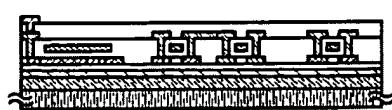
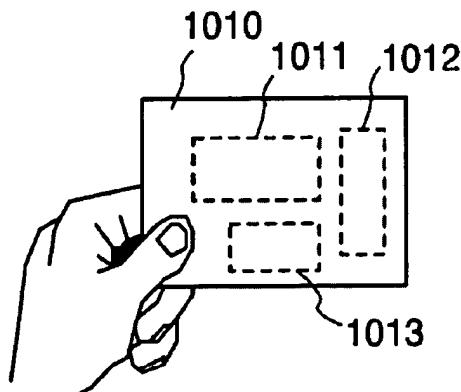


FIG. 13



For example, "an adhesive material" may correspond with binding material 920; "a protective film" may correspond with etching stopper 901; "an insulating film" may correspond with base insulating film 902; "a control section, an operation section and a memory unit" may correspond with a CPU including a memory circuit to acquire information 1011 (cf. page 6, lines 6-14); and "a battery" may correspond with battery 1013. Therefore, the Applicants believe that the present specification and drawings

support the features of a protective film over an adhesive material; an insulating film over the protective film; and a middle processing component comprising a control section and an operation section, and a memory unit over the insulating film in claims 4 and 29; and a protective film over an adhesive material; an insulating film over the protective film; and a middle processing component comprising a control section and an operation section, and a memory unit over the insulating film; and a battery over the substrate in claims 20 and 28. Reconsideration and withdrawal of the objections are respectfully requested.

The Official Action rejects claims 4 and 5 as anticipated by U.S. Patent Application Publication No. 2003/0062519 to Yamazaki et al. The Applicants respectfully submit that an anticipation rejection cannot be maintained against the independent claims of the present application, as amended.

As stated in MPEP § 2131, to establish an anticipation rejection, each and every element as set forth in the claim must be described either expressly or inherently in a single prior art reference. Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Independent claim 4 has been amended to recite a protective film comprising Teflon. The claims have also been amended to remove features which are not believed to be critical to the patentability of the claims. The Official Action concedes that Yamazaki does not teach a protective film comprising Teflon (page 5, Paper No. 20051101), and the Applicants respectfully submit that Yamazaki does not teach such feature either explicitly or inherently.

Since Yamazaki does not teach all the elements of the independent claims, either explicitly or inherently, an anticipation rejection cannot be maintained. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 102 are in order and respectfully requested.

The Official Action rejects claim 20 as obvious based on the combination of Figures 8B and 10B of Yamazaki. The Applicants respectfully traverse the rejection because the Official Action has not made a *prima facie* case of obviousness.

As stated in MPEP §§ 2142-2143.01, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art. “The test for an implicit showing is what the combined teachings, knowledge of one of ordinary skill in the art, and the nature of the problem to be solved as a whole would have suggested to those of ordinary skill in the art.” In re Kotzab, 217 F.3d 1365, 1370, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000). See also In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

The prior art, either alone or in combination, does not teach or suggest all the features of the independent claims. Independent claim 20 recites a middle processing component over an insulating film over a protective film over an adhesive material over a substrate, and a battery over the substrate. For the reasons provided below, Figures 8B and Figure 10B of Yamazaki, either alone or in combination, do not teach or suggest the above-referenced features of the present invention.

The Official Action relies on Figure 8B (reproduced below) of Yamazaki to allegedly teach a middle processing component (821/813), an insulating film (820), a protective film (811) and an adhesive material (833), and the Official Action asserts that

battery 2105 in Figure 10B (reproduced below) corresponds with the battery of the claims of the present application.

Fig. 8B

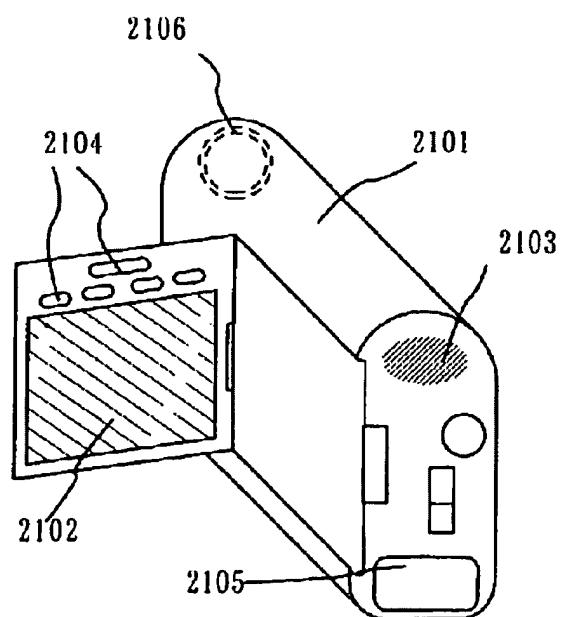
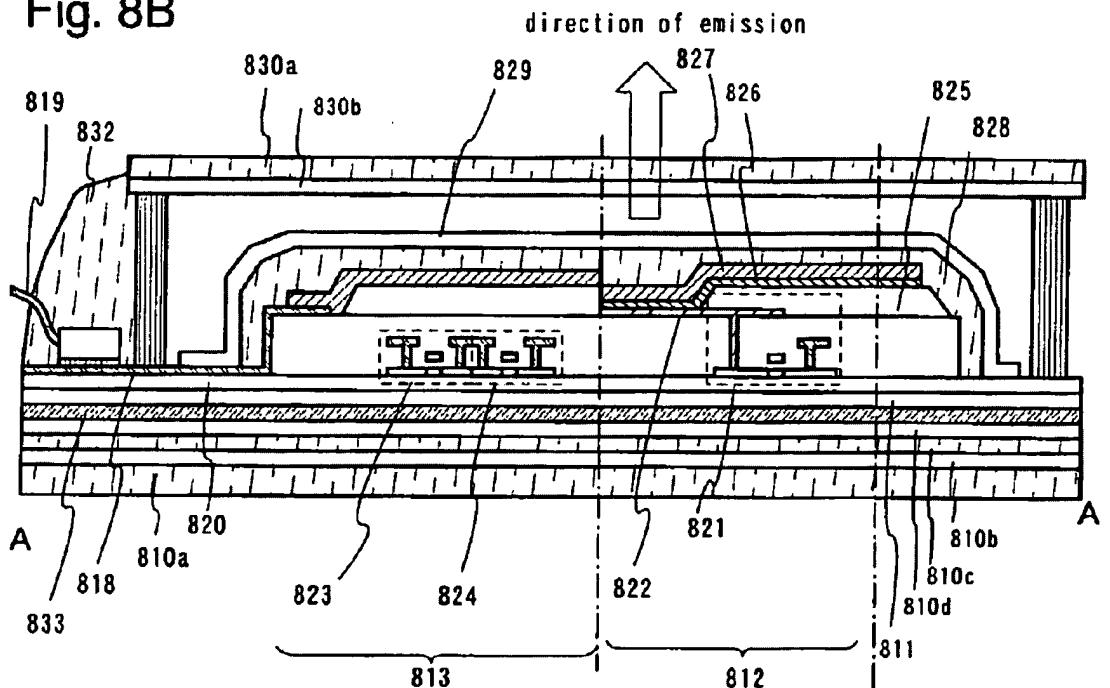


Fig. 10B

However, battery 2105 is not provided over substrate 810a over which the claimed components are allegedly provided. Specifically, it is clear that display portion 2102, which might include components shown in Figure 8B, is not related to the battery 2105 shown in Figure 10B. Yamazaki does not teach or suggest that battery 2105 be provided over substrate 810a.

Since Figures 8B and 10B of Yamazaki do not teach or suggest all the claim limitations, a *prima facie* case of obviousness cannot be maintained. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 103(a) are in order and respectfully requested.

The Official Action rejects claims 28-31 as obvious based on the combination of Yamazaki and U.S. Patent Application Publication No. 2002/0084459 to Choi et al. The Applicants respectfully traverse the rejection because the Official Action has not made a *prima facie* case of obviousness.

There is no suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify Yamazaki and Choi or to combine reference teachings to achieve the claimed invention. MPEP § 2142 states that the examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness. It is respectfully submitted that the Official Action has failed to carry this burden. While the Official Action relies on various teachings of the cited prior art to disclose aspects of the claimed invention and asserts that these aspects could be used together, it is submitted that the Official Action does not adequately set forth why one of skill in the art would combine the references to achieve the features of the present invention.

The test for obviousness is not whether the references "could have been" combined or modified as asserted in the Official Action, but rather whether the references should have been. As noted in MPEP § 2143.01, "The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination." In re

Mills, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990) (emphasis in original). Thus, it is respectfully submitted that the standard set forth in the Official Action is improper to support a finding of *prima facie* obviousness.

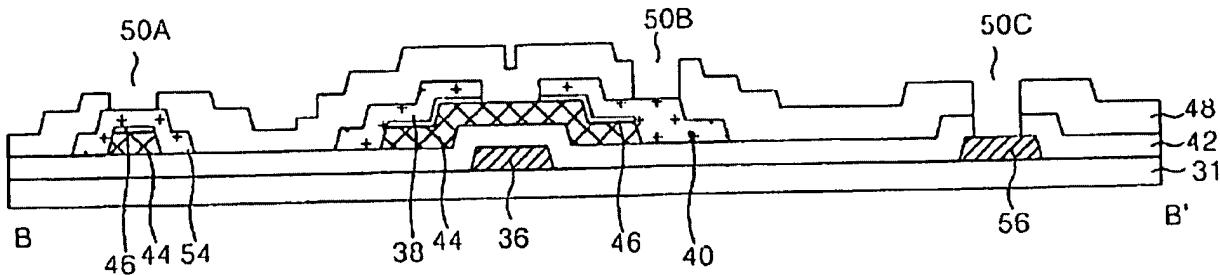
Independent claims 28 and 29 recite a middle processing component over an insulating film comprising silicon oxynitride over a protective film comprising SnO₂, SrO, Teflon or metal over an adhesive material over a substrate. In other words, claims 28 and 29 recite that a protective film is formed between a thin film transistor and a plastic substrate.

The Official Action concedes that Yamazaki teaches that insulating film 811 is made of silicon oxide and is not made of Teflon (page 5, Paper No. 20051101). The Official Action further concedes that insulating film 811 is not explicitly provided as a protective film, but asserts that “element 811 can function as a protective film” (page 4, *Id.*). The Applicants traverse this assertion. It is not sufficient to merely assert that element 811 could function as a protective film. Rather, the Official Action must show that element 811 should function as a protective film. The Official Action has not demonstrated that insulating film 811 of Yamazaki should function as a protective film.

Also, it is noted that insulating film 811 of Yamazaki is formed on adhesive layer 833 and under TFTs 821, 823 and 824 (see Figure 8B, reproduced above). In order to render obvious claims 28 and 29 of the present application, the Official Action would have to demonstrate that one of ordinary skill in the art at the time of the present invention would have been motivated to convert silicon oxide insulating film 811 into a protective film and would have been motivated to use Teflon instead of silicon oxide. Yamazaki itself does not teach or suggest these changes to Yamazaki, and Choi does not provide sufficient motivation to suggest these changes to Yamazaki.

The Official Action points to protective layer 48 of Choi, which may be made of Teflon among other materials (paragraph [0062]; Figure 7D, reproduced below).

FIG. 7D



The Official Action asserts that "it would have been obvious at the time of the present invention to modify Yamazaki et al. by having the protective film made of Teflon because silicon oxide and Teflon are recognized in the art as equivalents" (page 5, Id.). The Applicants respectfully disagree and traverse the above assertions in the Official Action.

The protective layer 48 of Choi is formed over (not under) a thin film transistor and a substrate 31. As noted above, claims 28 and 29 require that a protective film be formed between a thin film transistor and a plastic substrate. Since protective film 48 of Choi is formed over a TFT, the function of the protective film of the claims of the present invention is not the same as protective layer 48 of Choi. Also, Choi does not teach or suggest why one of ordinary skill in the art should have applied the function or materials of protective layer 48, which is formed over a TFT, to silicon oxide insulating film 811 of Yamazaki, which is formed under a TFT.

Further, it is not sufficient to merely point out the advantages of two references and assert that it would have been obvious to combine the two references so that you can have both advantages in one device. Rather, in order to form a *prima facie* case of obviousness, the Official Action must show why the references should have been combined.

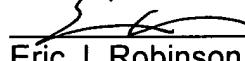
Therefore, the Applicant respectfully submits that the Official Action has not provided a proper or sufficient suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify Yamazaki and Choi or to combine reference teachings to achieve the claimed invention.

In the present application, it is respectfully submitted that the prior art of record, either alone or in combination, does not expressly or impliedly suggest the claimed invention and the Official Action has not presented a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references.

For the reasons stated above, the Official Action has not formed a proper *prima facie* case of obviousness. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 103(a) are in order and respectfully requested.

Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,


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